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DEC 13 2006

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Claims 1-9 are pending in the application. Applicants amend claims 1 and 5-9 for clarification, and refer to Fig. 5 and its corresponding description in the specification for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

Applicants respectfully request that the Examiner indicate acceptance of the drawings.

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,647,276 to Kuwahara et al.; and claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara et al. in view of U.S. Patent No. 6,021,137 to Kato et al. Applicants amend claims 1 and 5-9 in a good faith effort to clarify the invention as distinguished from the cite references, and respectfully traverse the rejections.

The Examiner relied upon the description of elements 13, 15, 4, 7, and 9 in Fig. 1 of Kuwahara et al. as alleged disclosure of the features recited in claim 1. The cited portions of Kuwahara et al. only include description of conventional spread spectrum processing on a transmission side (blocks 13 and 15) before converting the spread digital signal to an analog signal for transmission; and inverse spread spectrum processing on a reception side (blocks 7 and 9) after a receive signal is analog-to-digital converted to a digital signal.

In other words, Kuwahara et al., as cited and relied upon by the Examiner, do not disclose,

“[a] data communication apparatus comprising:  
a transmission side; and  
a reception side that includes:  
a spread spectrum processing part that performs a  
spread spectrum process on an input signal;

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an analog-to-digital conversion part that performs  
an analog-to-digital conversion process on a signal that has  
undergone said spread spectrum process; and  
an inverse spread spectrum processing part that  
performs an inverse spread spectrum process of said  
spread spectrum process on a signal that has undergone  
said analog-to-digital conversion process," as recited in  
claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-4, is patentable over Kuwahara et al. for at least the foregoing reasons. Claim 6 incorporates features that correspond to those of claim 1 cited above, and is, therefore, together with claims 7-9 dependent therefrom, patentable over Kuwahara et al. for at least the same reasons. The Examiner relied upon Kato et al. as a combining reference to specifically address the additional features recited in claim 5. As such, the addition of this reference would still have failed to cure the above-described deficiencies of Kuwahara et al. even assuming, arguendo, that such an addition would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claim 5 is patentable over the cited references for at least the above-stated reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

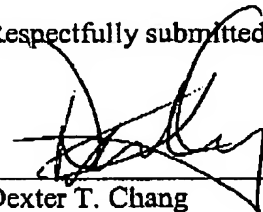
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Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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